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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANGELO FERGUSON,  
Plaintiff,  
v.  
STATE OF NEVADA et al.,  
Defendants.

3:17-cv-00668-MMD-WGC  
**ORDER**

**I. DISCUSSION**

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has filed an application to proceed *in forma pauperis* (ECF No. 1) but has not filed a complaint in this matter.

Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* on this Court’s approved form and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement. (See ECF No. 1, 1-1). As such, the *in forma pauperis* application is denied without prejudice. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma pauperis*.

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1 Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by  
2 filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff  
3 thirty (30) days from the date of this order to submit a complaint to this Court.

4 **II. CONCLUSION**

5 For the foregoing reasons, **IT IS ORDERED** that Plaintiff’s application to proceed *in*  
6 *forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court SHALL SEND Plaintiff the  
8 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
9 document entitled information and instructions for filing an *in forma pauperis* application.

10 **IT IS FURTHER ORDERED** that within **thirty (30) days** from the date of this order,  
11 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on  
12 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
13 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
14 fee and the \$50 administrative fee).

15 **IT IS FURTHER ORDERED** that Plaintiff shall submit a complaint to this Court  
16 within **thirty (30) days** from the date of this order.

17 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to Plaintiff the  
18 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

19 **IT IS FURTHER ORDERED** that if Plaintiff does not timely comply with this order,  
20 dismissal of this action may result.

21 DATED: November 7, 2017.

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24 United States Magistrate Judge  
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